

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HUMBERTO RIVERA, JR.,
Plaintiff,
v.

TOWN OF NEW FAIRFIELD; NEW FAIRFIELD RESIDENT TROOPER'S OFFICE; FIRST SELECTMAN PATRICIA DEL MONACO; SELECTMAN KHRIS HALL; SELECTMAN KIM HANSEN; PO/TROOPER DAVID KOONITSKY; PO/TROOPER JAMIE OLSOWY; PO/TROOPER JAMES KING; and PO/TROOPER DAVID THARAS,
Defendants.

ORDER

22 CV 1874 (VB)

On February 6, 2023, the New Fairfield Defendants filed a motion to dismiss the second amended complaint pursuant to Rule 12(b)(6). (Doc. #54). On March 24, 2023, the Connecticut State Trooper Defendants filed a motion to dismiss the second amended complaint pursuant to Rule 12(b)(6). (Doc. #64).

On April 7, 2023, pursuant to the Court's Order dated March 3, 2023 (Doc. #63), plaintiff, proceeding *pro se*, filed a third amended complaint. (Doc. #66).

On April 28, 2023, the New Fairfield Defendants and the Connecticut State Trooper Defendants filed motions to dismiss the third amended complaint pursuant to Rule 12(b)(6). (Docs. #71, 75).

In light of defendants' motions to dismiss the third amended complaint, the motions to dismiss the second amended complaint are TERMINATED AS MOOT. (Docs. ##54, 64).

By May 19, 2023, plaintiff shall file a single opposition to both (i) the New Fairfield Defendants' motion to dismiss the third amended complaint (Doc. #71), and (ii) the Connecticut State Trooper Defendants' motion to dismiss the third amended complaint. (Doc. #75). By May 26, 2023, defendants shall file their replies, if any.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk is instructed to terminate the motions to dismiss the second amended complaint. (Docs. ##54, 64).

Dated: May 1, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge